

Representation following the Application for a New Premises Licence at Yeovil Court Hotel, 175 West Coker Road, Yeovil, BA20 2HE

Director: Kirsty Larkins, Service Delivery
Report Author: Rachel Lloyd – Specialist - Licensing
Contact Details: rachel.lloyd@southsomerset.gov.uk or 01935 462134

Purpose of the Report

To inform members that an application has been received from Yeovil Court Hotel Management Ltd, for premises licence to be granted under the Licensing Act 2003 at Yeovil Court Hotel, 175 West Coker Road, BA20 2HE.

Recommendation

To determine the granting of the premises licence in accordance with the options detailed later in the report.

Background

The Council is the authority responsible for the issue of Premises Licences issued under Section 18 of the Licensing Act 2003.

The Lead Specialist – Environmental Health has delegated authority to determine a Premises Licence application, subject to no objections being received from a Responsible Authority or “Other Persons”. In this case, relevant representations were received from three “Other Persons” it is therefore necessary to convene a hearing to determine the application.

Licensing Objectives

The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The licensing objectives are to be considered paramount and the Council has a duty to promote them in its decision making process. An application will not be refused in whole or part or any conditions attached except those offered by the applicant or required by law except where appropriate to promote the licensing objectives.

Application

A copy of the application form is enclosed with the agenda; it does not however include a copy of the plan of the premises, which is available for inspection at the Council offices, Brympton Way, Yeovil.

The details of the application are summarised as follows:

- Applicant: Yeovil Court Hotel Management Ltd

Licensable activities applied for:

Live Music (E) - Indoors

Day	Start Time	Finish Time
Monday	11:00	00:00
Thursday	11:00	00:00
Friday	11:00	00:00
Saturday	11:00	00:00
Saturday	11:00	00:00
Sunday	11:00	00:00
Sunday	11:00	00:00

Further Details: Provision of live entertainment within the restaurant/function room areas.

Non Standard Timings: On the day before a bank holiday or public holiday and the day of a the bank or public holiday START: 11:00 FINISH: 02:00 the following day.

Recorded Music (F) – Indoors

Day	Start Time	Finish Time
Monday	11:00	00:00
Thursday	11:00	00:00
Friday	11:00	00:00
Saturday	11:00	00:00
Saturday	11:00	00:00
Sunday	11:00	00:00
Sunday	11:00	00:00

Further Details: Provision of pre-recorded music inside the premises for the purpose of entertainment and dancing.

Non Standard Timings: On the day before a bank holiday or public holiday and the day of the bank or public holiday START: 11:00 FINISH: 02:00 the following day.

Late Night Refreshment – Indoors and Outdoors

Day	Start Time	Finish Time
Monday	23:00	05:00
Thursday	23:00	05:00
Friday	23:00	05:00
Saturday	23:00	05:00
Saturday	23:00	05:00
Sunday	23:00	05:00
Sunday	23:00	05:00

Further Details: 24 hour provision of drinks to hotel guests to consume on the premises.

Supply of Alcohol (J) – Consumption ‘On and Off’ the Premises

Day	Start Time	Finish Time
Monday	08:00	00:00
Thursday	08:00	00:00
Friday	08:00	00:00
Saturday	08:00	00:00
Saturday	08:00	00:00
Sunday	08:00	00:00
Sunday	08:00	00:00

Seasonal Variations: To serve alcohol to non hotel residents between the hours of 08:00 and 00:00. Residents and their bona fide guests 00:01 to 00:00

Non-Standard Timings: On the day before a bank or public holiday START: 08:00 FINISH: 02:00 the following day.

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children. **(K)**

None.

Hours premises open to the public (L) – Not a licensable activity, but shown as part of the application.

Day	Start Time	Finish Time
Monday	00:00	00:00
Tuesday	00:00	00:00
Wednesday	00:00	00:00
Thursday	00:00	00:00
Friday	00:00	00:00
Saturday	00:00	00:00
Sunday	00:00	00:00

Non-Standard Timings:

None

Additional steps put forward by the applicant to comply with licensing objectives. Please see Section M (page 17 and separate additional page) of the application form; (these where appropriate, will become conditions of the licence, subject to the licence being granted, and are in addition to any further conditions imposed by the Licensing Committee).

Evidence that advertising/notice requirements have been complied with:

- The notice was seen on display at the premises during the consultation period. A further notice was placed in the Western Gazette newspaper on 23 September 2021 of which we have a copy.

Representations – Responsible Authorities

- A representation was received from a representative of the Chief Officer of Police.

Representations – Other Persons

None.

Relevant Observations

The applicant has been in contact with the Police to discuss conditions; however at the time of writing no conditions have been agreed.

Further Information

None.

In determining the application with a view to promoting the licensing objectives in the overall interests of the community, the Committee must have regard to and give appropriate weight to the following considerations:

- Any relevant and valid representation (including supporting documentation received)
- The Latest Guidance issued under s182 of the Act
- The Statement of Licensing Policy issued in January 2014.
- The steps appropriate to promote the licensing objectives as set out in s18(4)
- Human Rights considerations in particular Article 6, Article 8 and Article 1 of Protocol 1

Options

The options available to the committee are stated at section 18 of the Licensing Act 2003 and are as follows:



South Somerset District Council

- Grant the licence subject to such conditions which are consistent with the operating schedule modified to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives and any condition, which must under s19-21, be included in the licence s18(4)(a)(i)(ii) together with the current mandatory conditions.
- Exclude from the scope of the licence any of the licensable activities to which the application relates s18(4)(b)
- Refuse to specify a person in the licence as the premises supervisor s18(4)(c)
- Reject the application s18(4)(d).

Right of Appeal

Schedule 5 of the Licensing Act 2003 sets out the rights and procedures for making appeals against the decision of the Licensing Authority:

Where the Licensing Authority has rejected an application for a premises licence, the applicant may appeal to the Magistrates' Court against the decision to reject.

Where the Licensing Authority has granted the licence, the holder of the licence may appeal to the Magistrates Court against any decision to impose conditions on the licence that are consistent with the operating schedule or imposed where having regard to any relevant representations, are considered appropriate to promote the licensing objectives.

Where the Licensing Authority has granted the licence subject to the exclusion of any of the licensable activities or refused to specify a person as the premises supervisor, the holder of the licence may appeal to the Magistrates Court against the decision.

Where a person who made a relevant representation desires to contend that the licence ought not to have been granted, or that on granting the licence, the Licensing Authority ought to have imposed different or additional conditions, or ought to have taken a step to exclude a licensable activity or refused to have specified a person as the premises supervisor, he may appeal against the decision to the Magistrates Court.

The appellant commences the appeal by giving a notice of appeal to the designated officer for the Magistrates' court within 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision appealed against.

On determining the appeal, the court may,

- Dismiss the appeal
- Substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

and may make such order as to costs as it thinks fit.

Background Papers

Licensing Act 2003

SI 2005 No. 44 Licensing Act 2003 (Hearings) (Regulations) 2005

SI 2005 No. 42 Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005

SI 2010 No.860 Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

The Latest Guidance issued under section 182 of the Licensing Act 2003.

The Statement of Licensing Policy for South Somerset District Council January 2014.
